

### **REMARKS**

Claims 1-26 and 28-54 are presently pending in the application. Claims 1 and 9 have been amended to correct typographical errors and to incorporate the Examiner's requirement that "the corresponding device" in Claim 1 should read "a corresponding device." Claims 44 through 54 are new claims presented as means-plus-function claims to more clearly distinguish the present invention from the cited prior art references. However, no new matter has been added and support for the amendments to the claims can be found in the original specification and drawings. In view of the above amendments and arguments presented hereinbelow, Applicant respectfully submits that these claims are now in condition for allowance.

### **Objections to the Drawings and Specification**

The Examiner has disapproved the proposed Figures 6 and 7 for failure to comply with 37 CFR 1.121. To cure this defect, the drawing sheets containing the proposed Figures 6 and 7 are identified in the top margin as "New Sheet," since they were originally submitted as new sheets of drawings containing additional Figures in response to the Office Action 02 dated July 22, 2003, to show the at least one screw (Figure 6) and the adhesive material (Figure 7) as claimed in Claims 11 and 23 and Claims 12 and 24, respectively. No new matter has been added.

The Examiner has maintained his objection to the proposed Figure 7 as containing new matter with regard to the location and size of the adhesive (71). Office Action at page 2. Although there is no requirement in the original disclosure that the adhesive

completely cover an entire side of the marking plate,<sup>2</sup> Applicant hereby submits proposed drawing correction for Figure 7 in reply to the Office Action. The proposed drawing correction for Figure 7 shows no particular location or size of the adhesive, nor does it show the adhesive covering only a portion of the plate back surface, as objected to by the Examiner. Accordingly, it is respectfully submitted that Figure 7, as corrected, is in condition for the Examiner's approval and complies with and is responsive to the Examiner's objection.

The Examiner has maintained his objection to the substitute specification filed on October 22, 2003 on the grounds of new matter, specifically with regard to the material on page 1, lines 24-25 and page 2, lines 1-4 starting with "This allows for use..." and ending with "...actually installed." and page 5, lines 10-15 starting with "Generally, information..." and ending with "...device or fixture." Office Action at page 2. Applicant respectfully maintains his disagreement with the Examiner's contention and submits that the original specification contains adequate support for the sections in dispute, as is undisputably demonstrated immediately below.

As previously submitted in response to the previous Office Action dated January 24, 2004, with regard to the section beginning with "This allows for use..." and ending with "...actually installed," this description is *fully supported* by the original specification as evidenced by the paragraph beginning at page 5, line 11, with "Generally, the relevant

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<sup>2</sup> The original specification clearly states "[t]he information marking plate, now with appropriate and specific information concerning the corresponding electric fixture, *is then affixed to said fixture or electrical device, by way of a fastener or adhesive, generally in an inconspicuous location* so as not to distort any surrounding aesthetics, yet readily available to anyone needing relevant electrical information concerning that device or fixture." Original Specification at page 11, line 20 – page 12, line 2 (emphasis added). As such, as stated in the original specification, and contrary to the Examiner's objection, there is no requirement in the original disclosure that the adhesive completely cover an entire side of the marking plate.

information is recorded...” and ending on page 6, line 2 with “...of at least one side of the marking plate.” In full, that paragraph states as follows:

Generally, the relevant information is recorded on the marking plate at the time that a fixture is actually connected to the wiring and installed, when such information is immediately known to or by one installing the fixture. The recording of such information is easily accomplished by appropriately marking the information template on the marking plate. Marking the information template may take many forms, including punching a hole in the corresponding information data area or box of the template, engraving or etching that area, or otherwise marking that area with durable, permanent and/or water-proof ink, paint or other media. Once a particular electrical fixture is installed, the relevant information would be recorded on the marking plate by way of a hole punch, stamp marking or a writing utensil over the corresponding information contained on the marking plate. For example, if one wishes to record wire run four (4), transformer two (2), lamp size twenty-five very narrow (25VN) and fixture three (3) or six (6), one would simply mark the corresponding boxes and/or areas on the information template that has been previously recorded to the surface of at least one side of the marking plate.

Clearly, this section describes a marking plate that is *not* attached to the device at the time of manufacture, but rather a marking plate where the information is contained on the marking plate and recorded by the individual installing the fixture. Applicant has merely summarized in the background what is fully described in the detailed description.

Referring to the section on page 5, lines 10-15 starting with “Generally, information...” and ending with “...device or fixture,” again, the subject matter contained in this section is fully described in the original specification in the section beginning at page 5, line 11, with “Generally, the relevant information is recorded...” and ending on page 5, line 13 with “...one installing the fixture.” For further reference, that sentence states as follows in full:

Generally, the relevant information is recorded on the marking plate at the time that a fixture is actually connected to the wiring and installed, when such information is immediately known to or by one installing the fixture.

Accordingly, Applicant respectfully submits that no new matter has been introduced by the substitute specification filed on October 22, 2003.

**Claim Rejections -- 35 U.S.C. § 102(e)**

Claims 1, 8, 28, and 35 stand rejected under Section 102(e) as being anticipated by Cheresko (U.S. Patent No. 6,412,205). Applicant respectfully traverses this rejection and submits that Cheresko fails to disclose or suggest the claimed invention.

In accordance with an aspect of the invention as set forth in representative Claim 1, as amended, there is provided an improved information marking plate, comprising:

(a) a marking plate;

(b) an information template, wherein *said information template is prerecorded for a user* on at least one side of said marking plate, and is comprised of at least one table or organized array of standardized data or information *relevant to a plurality of devices*, and wherein *specific relevant information relating to a particular device can be selected* from said selectable, standardized data or information and recorded upon said information template on said marking plate, and

(c) means to secure said marking plate to a corresponding device.

[Emphasis added.]

In this regard, the Examiner makes the following contention with regard to Cheresko and Claims 1, 8, 28, and 35:

Cheresko shows in figures 1-3 a marking plate (30) including a prerecorded information template for a user comprised of an organized array (months of the year indicia, days of the year indicia, quarts, ounces, types of gas, ratios, cycle of information, etc.), and wherein specific information (can be selected with apertures) can be selected from the array, and means (16) for securing the plate. The information is considered to be relevant to a plurality of devices, i.e. lawnmowers. In regard to claims 8 and 28, Cheresko discloses in column 4, lines 1-9 the idea of printing the indicia on a label.

See Office Action at page 4. Respectfully, this contention is without merit.

It is axiomatic that in order to support a proper Section 102 rejection, *each and every element* in the claim must be found in the cited reference. Cheresko does not anticipate Claim 1, because Cheresko fails to disclose an information template that is comprised of an organized array of *standardized information relevant to a plurality of devices*. It is emphasized that the phrase “standardized information relevant to a plurality of devices” carries a special meaning in the context of this invention. The invention as set forth in representative Claim 1, as amended, is specifically designed to deal with the inability to easily and readily ascertain basic information concerning a specific electrical fixture or device within a low or high voltage electrical circuitry or system. Such fixtures or devices to which Claim 1 is directed number in the hundreds, if not thousands. Applicant’s improved information marking plate has universal appeal and application for the encompassing field of electrical fixtures, devices, circuitry, wiring, etc., unlike Cheresko, which is device specific. In this regard, the specification provides as follows:

Such information generally includes, but is not limited to, wiring run or line identification, corresponding circuit or fuse identification, lamp type, size and wattage, voltage, and any other information deemed relevant and relied upon by electricians and those skilled in the art. Often, when this information is required, individuals are faced with the difficult and time-consuming task of turning on and off specific transformers, fuse units, or circuits to determine which electrical circuitry corresponds to a particular fixture, outlet, switch box, receptacle or other electrical device used within an electrical wiring system or circuit. The present invention addresses and solves all of these problems.

See Application, as amended, at page 3, lines 7-15. As such, the term “plurality of devices” is to be understood as a collection of individual electrical components, such as specific transformers, fuse units, etc., making up a low or high voltage electrical circuitry or system. On the contrary, Cheresko discloses in column 1, lines 49-52 that “[t]he

information label may carry a single category of information or a variety of sub-categories of information, each of which is pertinent to a specific condition of the device being labeled.” For instance, the information label according to Cheresko may indicate that a particular device being labeled is being fueled by regular gas, with a ratio of 50:1, etc.; however, that information is pertinent only to a single device, not a plurality of devices, as described and defined in the specification of the present invention. As such, the Examiner’s contention that “[t]he information [on the information label according to Cheresko] is considered to be relevant to a plurality of devices, i.e. lawnmowers” is simply not warranted by Cheresko. Cheresko is highly distinguishable from the present invention. Thus, Cheresko fails to meet the claim limitation of “an information template, wherein said information template ... is comprised of ... organized array of ... information relevant to *a plurality of devices*. ...” Accordingly, it is respectfully submitted that Claim 1 (as well as independent Claim 28) and those claims dependent on Claims 1 and 28 are patentable over Cheresko. In the event the Examiner is still not convinced of the distinction between the “information template” limitation of the present invention and the “information label” according to Cheresko, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from Cheresko. No new matter has been entered, as these means-plus-function claims are clearly supported by the original specification.

Furthermore, in Cheresko, an information bearing label is affixed onto a pre-perforated substrate (with a securing means) *by the user* of the system. This is described in Cheresko in column 3, lines 52-55 in the context of an application for a lawnmower as follows:

Thus, the user of the information system 10, who may, for example, be someone changing the oil in a device such as a lawn mower, selects an appropriate label 30a and affixes it onto the substrate 12.

In accordance with the explicit teachings in Cheresko, a user of the disclosed system must affix an indicia bearing information label onto the substrate. This structure is clearly distinguishable from the claimed configuration in which a template is “prerecorded” on the marking plate, said marking plate having universal appeal and application. That is not the case with Cheresko; the substrate attached to a device only contains pre-determined perforations and *no information is contained therein*. Thus, Cheresko fails to meet the claim limitation of “an information template, wherein *said information template is prerecorded for a user* on at least one side of said marking plate... .” This expedient is neither taught nor suggested in Cheresko. Furthermore, Applicant contends that the Examiner’s citation to Figures 1-3 for the teaching of a prerecorded information template is misplaced. In the “BRIEF DESCRIPTION OF THE DRAWINGS” section of Cheresko, it is provided that “FIG. 3 is a front view of exemplary *information labels* usable in the information label systems of the subject invention” (emphasis added). The “system” of Cheresko requires that the labels be affixed to the substrate in an exact and precise manner such that the information set forth on the label aligns *perfectly* with the perforations in the substrate. In fact, this feature of Cheresko teaches away from the claimed limitation of “an information template, wherein *said information template is prerecorded for a user* on at least one side of said marking plate....” As such, there is no teaching, suggestion or mention in Cheresko of *prerecording* a template of *specific relevant information relating to a particular device* on the marking plate. Accordingly, it is respectfully submitted that Claim 1 (as well as

independent Claim 28) and those claims dependent on Claims 1 and 28 are patentable over Cheresko. In the event the Examiner is still not convinced of the distinction between the “an information template, wherein *said information template is prerecorded for a user* on at least one side of said marking plate....” element of the present invention and the “information label” according to Cheresko, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from Cheresko.

#### **Claim Rejections -- 35 U.S.C. § 103(a)**

Dependent Claims 2, 3, 29, and 30 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner et al. (U.S. Patent No. 3,828,454) (“Hafner”). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Hafner fails to remedy the deficiencies in the disclosure of Cheresko.

Hafner teaches a laminated tag assembly comprising a thin, soft metal sheet bonded to woven fiberglass. See Abstract. There is nothing in Hafner that discloses or suggests “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Hafner fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent Claims 2, 3, 29 and 30 are patentable over this combination. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko and Hafner, the applicant has added new claims, as



means-plus-function claims, in order to more clearly distinguish the present invention from the cited prior art references.

Dependent Claims 4 and 31 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 3 and 30 above, and further in view of Caveney (U.S. Patent No. 5,402,592) (“Caveney”). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Caveney fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Caveney discloses an information marker for a conforming display around an elongated pipe-shaped object. See Abstract. Even if assuming *arguendo*, that all three of these references are properly combinable, Caveney contains absolutely no teaching, suggestion or mention of “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Caveney fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent Claims 4 and 31 are patentable over the combination of these references. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant’s invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko,

Hafner and Caveney, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 5 and 32 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 3 and 30 above, and further in view of Graham (U.S. Patent No. 3,782,017) (“Graham”). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Graham fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Graham discloses an animal identification tag that is attached to the animal’s collar. See Abstract. However, even if, assuming *arguendo*, that all three of these references are properly combinable, Graham fails to teach, suggest or mention anything relating to the claim limitation of “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Thus, Graham fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent Claims 5 and 32 are patentable over the combination of these references. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant’s invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko,

Hafner and Graham, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 6 and 33 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 3 and 30 above, and further in view of Robertson (U.S. Patent No. 5,855,969) ("Robertson"). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Robertson fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Robertson discloses a method for marking metal for identification using a CO<sub>2</sub> laser. See Abstract. However, even if, assuming *arguendo*, that all three of these references are properly combinable, Robertson fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Thus, Robertson fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent Claims 6 and 33 are patentable over the combination of these references. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko,

Hafner and Robertson, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 7 and 34 stand rejected under section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 3 and 30 above, and further in view of Samonides (U.S. Patent No. 5,346,738) ("Samonides"). Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Samonides fails to remedy the deficiencies in the disclosures of Cheresko and Hafner.

Samonides discloses an identification label for permanently marking a metal or other etchable surface such as an automobile part with an identifying indicia. See Abstract. However, even if, assuming *arguendo*, that all three of these references are properly combinable, Samonides fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Accordingly, Samonides fails to remedy the deficiencies in the disclosures of Cheresko and Hafner, and it is submitted that dependent Claims 7 and 34 are patentable over the combination of these references. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko,

Hafner and Samonides, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 9/1 and 9/8 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Berman (U.S. Patent No. 4,907,359) (“Berman”). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Berman fails to remedy the deficiencies in the disclosure of Cheresko.

Berman discloses:

An identification tag for handwritten imprinting of information is disclosed. In such an application, a hole is provided for attachment to the identified item by a variety of conventional means. A transparent protective sheet is attached to the tag in the area of the hole by a pressure sensitive adhesive. The balance of the protective sheet is coated with the adhesive but isolated from the tag by a releasable backing. Following information imprinting, the backing is removed to allow the adhesive to completely attach the protective sheet to the tag. The imprinted tag may be temporarily attached to another object by an extension of the protective sheet, adhesive, and backing beyond an edge of the tag. Subsequent removal of the tag is accomplished by bending and tearing along perforations or scoring in the protective sheet at the edge of the tag. [Abstract].

However, even if, assuming *arguendo*, that these references are properly combinable, Berman fails to teach, suggest or mention anything relating to the claim limitation of “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Berman fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent Claims 9/1 and 9/8 are patentable over this combination. In the event the

Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent claims 9/2 and 9/3 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 2 and 3 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 9/4 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Caveney as applied to Claim 4 above, and further in view of Berman. Applicant hereby reiterates the above arguments distinguishing all four of these references from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Caveney for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the

- combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of
- the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Caveney, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 9/5 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Graham as applied to Claim 5 above, and further in view of Berman. Applicant hereby reiterates the above arguments distinguishing all four of these references from the claimed invention. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Graham, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 9/6 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Robertson as applied to Claim 6 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Robertson from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of

Cheresko, Hafner and Robertson for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Robertson, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 9/7 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Samonides as applied to Claim 7 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Samonides from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Samonides for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Samonides, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 10/1, 10/8, 11/1, and 11/8 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Frieden U.S. Patent No. 6,144,301



("Frieden"). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Frieden fails to remedy the deficiencies in the disclosure of Cheresko.

Frieden discloses:

An electronic tracking tag 10 may be attached to various types of physical assets to assist in asset identification. The plastic material tag body 12 includes a receiving cavity 60 therein so that a drawer 14 and an RFID transponder 16 may be slid into the receiving cavity and mechanically locked in the inserted position within the receiving cavity. A visual display cavity 54 is provided on the tag body, and a display label 56 may be selectively positioned on the tag body. The tag body with the electronic transponder therein may be secured to the physical asset by screws or other conventional securing members 46 positioned in respective securing holes 42, 44 provided in the tag body. Alternatively, one or more flexible straps 18, 19 may extend through a respective tie down hole 46, 48 in the tag body for strapping the tag body to the physical asset. A substantially universal tracking tag 10 of the present invention may be easily and economically read by an RFID reader unit to assist in asset identification, tracking, and equipment safety. Abstract.

At the outset, Applicant respectfully submits that Frieden is directed to a completely different field of endeavor (electronic tags) than the present invention. Nevertheless, even if, assuming *arguendo*, that these references are properly combinable, Frieden fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate...." Accordingly, Frieden fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent Claims 10/1, 10/8, 11/1, and 11/8 are patentable over this combination. In the event the Examiner is still not convinced of the distinction between the present invention and the combined

disclosure of Cheresko and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 10/2, 10/3, 11/2 and 11/3 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 2 and 3 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 10/4 and 11/4 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Caveney as applied to Claim 4 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Caveney from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Caveney for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the

Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Caveney, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 10/5 and 11/ 5 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Graham as applied to Claim 5 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Graham from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Graham for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Graham, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 10/6 and 11/6 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Robertson as applied to Claim 6 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Robertson from the claimed

invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Robertson for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Robertson, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 10/7 and 11/7 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Samonides as applied to Claim 7 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Samonides from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Samonides for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Samonides, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 12/1 and 12/8 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hansen U.S. Patent No. 6,159,569 (“Hansen”).

Hansen discloses:

A decal organization tool for products needing large numbers of decals utilizes a single large sheet on which all product decals for a specific product or product model are carried. The invention includes a means by which the previously unavoidable irregular margins surrounding the decals are effectively hidden from the eye and allows large sheet printing of decals with an aesthetically satisfactory overall appearance. An irregularly zone is added to the edge of each decal, and along with an ultraviolet responsive additive placed in the decal adhesive, allows the decal to form an indelible footprint on the product to which it is applied. The footprint, invisible to the eye, becomes visible under ultraviolet light, allowing identification of a specific decal and proof of its application to a product, even when the decal is no longer on the product. Abstract.

Applicant respectfully submits that Hansen is completely unrelated to the present invention. In addition, even if, assuming *arguendo*, that these references are properly combinable, Hansen fails to teach, suggest or mention anything relating to the claim limitation of “...at least one table or organized array of standardized data or information relevant to a plurality of devices, and wherein specific relevant information relating to a particular device can be selected from said selectable, standardized data or information and recorded upon said information template on said marking plate....” Accordingly, Hansen fails to remedy the deficiencies in the disclosure of Cheresko and it is submitted that dependent Claims 12/1 and 12/8 are patentable over this combination. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 12/2 and 12/3 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner as applied to Claims 2 and 3 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Hafner from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 12/4 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Caveney as applied to Claim 4 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Caveney from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Caveney for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Caveney, and Hansen, the applicant has added new

claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 12/5 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Graham as applied to Claim 5 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Graham from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Graham for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Graham, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 12/6 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Robertson as applied to Claim 6 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Robertson from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Robertson for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality

of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Robertson, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 12/7 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Hafner and Samonides as applied to Claim 7 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Hafner and Samonides from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Hafner and Samonides for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Hafner, Samonides, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Claims 13, 20, 25, 26, 36, and 43 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala U.S. Patent No. 6,254,967 ("Katwala"). Applicant hereby reiterates the above argument distinguishing Cheresko from the claimed invention and submits that the addition of Katwala fails to remedy the deficiencies in the disclosure of Cheresko.



As explained in the foregoing with regard to independent Claim 1, Cheresko fails to disclose or suggest an "... information template is prerecorded for a user on at least one side of said marking plate..." Cheresko further fails to disclose "...at least one table or organized array of standardized electrical circuitry data or information relevant to a plurality of electric fixtures, and wherein specific relevant electrical information relating to a particular fixture can be selected from said selectable, standardized electrical and circuitry data..."

Katwala discloses a nameplate that is secured to the exterior of an electrical device. The nameplate comprises a dielectric layer having a side with product identifying indicia displayed thereon. See Col. 2, lines 13-23. However, Katwala fails to teach, suggest or mention anything relating to the claim limitation of "...at least one table or organized array of standardized electrical circuitry data or information relevant to a plurality of electric fixtures, and wherein specific relevant electrical information relating to a particular fixture can be selected from said selectable, standardized electrical and circuitry data..." Katwala merely teaches indicia that includes "...all information required by Underwriters Laboratories (UL) and Canadian Standards Association (CSA) as well as any additional information which the manufacturer or the consumer desires. Preferably, the label 12 includes rating information, manufacturer information, part number, the UL marking and the CSA marking as seen in Fig. 5." See Co. 4, lines 57 – 63. There is nothing in Katwala that suggests a table or array of standardized information relevant to a plurality of electric fixtures, where information relating to a particular fixture may be selected as claimed. Accordingly, Katwala fails to remedy the deficiencies in the disclosure of Cheresko. For this reason, even if assuming *arguendo*,

that these references are properly combinable, such combination still would not reach the claimed invention. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko and Katwala, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 14, 15, 37 and 38 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to Claims 13 and 36 above, and further in view of Hafner. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Hafner fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala and Hafner, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 16 and 39 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 15 and 38 above, and further in view of Caveney. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Caveney fails to remedy the

deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Caveney, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 17 and 40 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 15 and 38 above, and further in view of Graham. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Graham fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Graham, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 18 and 41 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 15 and

38 above, and further in view of Robertson. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Robertson fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Robertson, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 19 and 42 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 3 and 30 above, and further in view of Samonides. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Samonides fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Samonides, the

applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 21/13 and 21/20 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to Claims 13 and 20 above, further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 21/14 and 21/15 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 14 and 15 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features

from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 21/16 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Caveney as applied to Claim 16 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Caveney from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Caveney for the reasons stated above. Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Caveney, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 21/17 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Graham as applied to Claim 17 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Graham from the claimed invention, and submits that the addition of Berman fails to remedy the

deficiencies in the disclosures of Cheresko, Katwala, Hafner and Graham for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Graham, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 21/18 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Robertson as applied to Claim 18 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Robertson from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Robertson for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Robertson, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 21/19 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Samonides as applied to

Claim 19 above, and further in view of Berman. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Samonides from the claimed invention, and submits that the addition of Berman fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Samonides for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Samonides, and Berman, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 22/13, 22/20, 23/13 and 23/20 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to Claims 13 and 20 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala and Frieden, the applicant has added new



claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 22/14, 22/15, 23/14 and 23/15 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 14 and 15 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 22/16 and 23/16 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Caveney as applied to Claim 4 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Caveney from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Caveney for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing

Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Caveney, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 22/17 and 23/17 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Graham as applied to Claim 17 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Graham from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Graham for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Graham, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 22/18 and 23/18 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Robertson as applied to Claim 18 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Robertson from the claimed invention, and submits that the addition of Frieden fails to remedy the

deficiencies in the disclosures of Cheresko, Katwala, Hafner and Robertson for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Robertson, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 22/19 and 23/19 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Samonides as applied to Claim 7 above, and further in view of Frieden. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Samonides from the claimed invention, and submits that the addition of Frieden fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Samonides for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Samonides, and Frieden, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 24/13 and 24/20 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala as applied to Claims 13 and 20 above,

and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko and Katwala from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko and Katwala for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of three references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claims 24/14 and 24/15 stand rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala and Hafner as applied to Claims 14 and 15 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala and Hafner from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala and Hafner for the reasons stated above. Furthermore, Applicant respectfully submits that in citing the combination of four references, the Examiner is using impermissible hindsight reconstruction to pick and choose features from a plurality of references using Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, and Hansen, the applicant has added

new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 24/16 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Caveney as applied to Claim 16 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Caveney from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Caveney for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Caveney, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 24/17 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Graham as applied to Claim 17 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Graham from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Graham for the reasons stated above. Moreover, Applicant further contends that the combination of *5 references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing

Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Graham, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 24/18 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Robertson as applied to Claim 18 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Robertson from the claimed invention, and submits that the addition of Hansen fails to remedy the deficiencies in the disclosures of Cheresko, Katwala, Hafner and Robertson for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Robertson, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

Dependent Claim 24/19 stands rejected under Section 103(a) as being unpatentable over Cheresko in view of Katwala, Hafner and Samonides as applied to Claim 19 above, and further in view of Hansen. Applicant hereby reiterates the above argument distinguishing the combination of Cheresko, Katwala, Hafner and Samonides from the claimed invention, and submits that the addition of Hansen fails to remedy the

deficiencies in the disclosures of Cheresko, Katwala, Hafner and Samonides for the reasons stated above. Moreover, Applicant further contends that the combination of 5 *references* here is unprecedented and is clearly impermissible hindsight reconstruction utilizing Applicant's invention as a roadmap. In the event the Examiner is still not convinced of the distinction between the present invention and the combined disclosure of Cheresko, Katwala, Hafner, Samonides, and Hansen, the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from the prior art.

### **CONCLUSION**

Based on the foregoing, Applicant respectfully submits that Claims 1-26 and 28-43 are in condition for allowance and allowance of these claims at an early date is solicited. In the event the Examiner is still not convinced of the distinction between the present invention and the cited prior art reference(s), the applicant has added new claims, as means-plus-function claims, in order to more clearly distinguish the present invention from such prior art references cited by the Examiner.

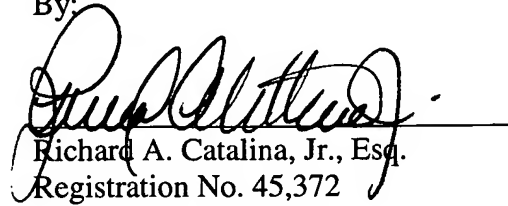
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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 501472. The Examiner is invited to contact the undersigned at (732) 380-0080 to discuss any matter concerning this application.

Respectfully submitted,

David M. Beausoleil

By:



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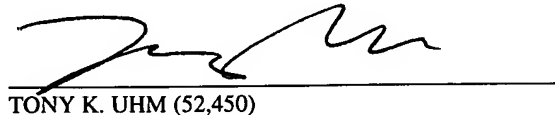
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